

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

DAVID DAVIS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CIVIL ACTION NO. 3:06-cv-00544-WHA
	)	
PHENIX CITY, ALABAMA, <u>et al.</u>	)	
	)	
	)	
Defendants.	)	
_____	)	

**PLAINTIFF'S DECLARATION OF TECHNICAL DIFFICULTIES**

Please take notice that Plaintiff was unable to file the attached Memorandum of Points and Authorities in Support of Plaintiff's Motion for Partial Summary Judgment (with attachments) in a timely manner due to technical difficulties. The deadline for filing the Memorandum of Points and Authorities in Support of Plaintiff's Motion for Partial Summary Judgment (with attachments) was December 7, 2007. The reason that I Thomas A. Woodley, co-counsel for the Plaintiff, was unable to file the Memorandum of Points and Authorities in Support of Plaintiff's Motion for Partial Summary Judgment (with attachments) in a timely manner and the good faith efforts I made prior to the filing deadline to both file in a timely manner and to inform the Court and the other parties that I could not do so are set forth below.

On December 7, 2007 at approximately 3:34 p.m. Eastern Standard Time, I electronically filed our Motion for Partial Summary Judgment with attached Certificate of Service. Immediately after filing the Motion for Partial Summary Judgment I filed our

Memorandum of Points and Authorities in Support of Plaintiff's Motion for Partial Summary Judgment (with attachments). Upon not receiving email notification of this filing, I called the ECF Help Desk who informed me that our Memorandum of Points and Authorities in Support of Plaintiff's Motion for Partial Summary Judgment (with attachments) had not been received, and that because of the volume of documents attached to the Memorandum, the system timed out before the document was completely filed. I was told to file this Declaration and to re-file the attached Memorandum and to file the attachments in separate filings so that the system does not time out again.

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

/s/ Thomas A. Woodley  
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Counsel for Plaintiff

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DAVID DAVIS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CIVIL ACTION NO. 3:06-cv-00544-WHA
	)	
PHENIX CITY, ALABAMA, <u>et al.</u>	)	Judge W. Harold Albritton
	)	
Defendants.	)	
_____	)	

**CERTIFICATE OF SERVICE**

This is to certify that on December 10, 2007, I electronically filed Plaintiff's Notice of Technical Difficulties with the Clerk of the Court using the CM/ECF system which will send notification of such filing as well as sending a copy by regular U.S. mail to defendants' counsel:

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/s/ Thomas A. Woodley

Thomas A. Woodley  
Attorney for Plaintiff